

REMARKS

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

After entry of the amendment, claims 1-67 are pending.

Support for claims 60, 61 and 64-67 is found at least in paras. [0005], [0006], [0027], [0031] and [0034]. Support for claim 62 is found at least in Figures 4 and 5 and corresponding text. Support for claim 63 is found at least in para. [0035].

Claims 1-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,834,371 ("Jensen"). Applicants note that claims 40-59, which were added in the Amendment filed on October 13, 2006, were not examined by the Examiner in the Office Action dated April 18, 2007.

Rejection Under 35 U.S.C. § 103(a)

Claims 1-39, particularly as amended, recite features that are not disclosed or suggested in Jensen. For example, the claimed invention is directed, at least in part, to providing "security disclosure data." Applicants note that the systems and methods disclosed in Jensen and the present invention are directed to substantially different applications. Whereas Jensen is generally directed to creating a multi-media presentation, as well as allowing for searching through the presentation (*see, e.g.,* Abstract), aspects of the present invention generally relate to providing security issuer disclosure information in at least two aligned formats (*see, e.g.,* Abstract, claim 1, paras. [0029] and [0038]).

Applicants have provided examples of security disclosure data in the specification, for example, at paragraph [0027]. In particular, paragraph [0027] states that security disclosure data includes "an earnings call/presentation data, guidance call/presentation data, sales call/presentation data, shareholder/annual meeting data, and the like." In contrast, Applicants do not find in Jensen any suggestion, let alone disclosure, of providing "security disclosure data" as

that term is used in the present application, let alone “security disclosure data” that is presented for display in at least two aligned formats, as recited in the claimed invention.

In view of the foregoing, Applicants request that the Examiner withdraw the rejection of claims 1-39 under 35 U.S.C. § 103(a).

In addition, Applicants have amended claims 1 and 39 to recite that audio security disclosure data is received “at a first time” and that a text is created from the audio security disclosure data “at a second time subsequent to the first time.” Support for this amendment is found at least in paragraph [0029] of the present application. Applicants do not find that Jensen teaches or suggests, let alone discloses, this feature. In fact, Applicants find that Jensen teaches that text is created first, and that an audio associated with the text is created after the text is created. *See, e.g.,* Jensen at col. 3, lines 53-55. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 1-39 under 35 U.S.C. § 103(a) for at least this reason.

On page 5 of the Office Action, the Examiner states that “[t]he limitations within the independent claim (as presently presented) fail to preclude the examiner from utilizing the Jensen reference to teach a processor for receiving the audio security disclosure data and for inserting a first marker therein; and said processor from creating text *from* the audio security disclosure data...”. (emphasis added.) Applicants respectfully disagree with the Examiner’s assertion.

The word “from” in claims 1 and 39 of the present application, as *originally filed*, indicates a time aspect or temporal nature. For example, claim 1, as *originally filed*, recites “said processor for creating a text *from* the audio security disclosure data.” Applicants respectfully submit that it is difficult to contemplate how text is created *from* audio security disclosure data without at a first time providing audio security disclosure data, and at a second time subsequent to the first time, creating text *from* the audio security disclosure data. As noted above, Applicants have amended claims 1 and 39 to render moot the Examiner’s position (and rejection)

pertaining to the temporal nature or sequencing of audio and text data from the audio data. In view of the foregoing, Applicants submit that this amendment to claims 1 and 39 is a clarifying amendment only, without any surrender of subject matter.

For the avoidance of any doubt, Applicants also respectfully submit that this amendment to claim 1 (and claim 39) also renders moot the Examiner's assertions on page 6 of the Office Action that "[t]he processor of Jensen is set up to receive the audio clips recorded *concurrently* with the creation of text" and that "the Jensen reference provides a means for text to be created from audio clips *concurrently*." (emphasis added.) Applicants find no teaching or suggestion, let alone disclosure, in Jensen regarding "a processor for receiving the audio security disclosure data at a *first time*" or a "processor for creating a text from the audio security disclosure data at a *second time subsequent to the first time*" as recited in the claimed invention. If the Examiner believes that Jensen discloses this feature of the claimed invention, he is requested to point out in the next correspondence where, by column and line number, Jensen purportedly discloses such feature.

Applicants also submit that claim 1 as presently amended also renders moot the Examiner's assertion on page 6 of the Office Action that "[t]here is no mention of what happens first...". Applicants respectfully submit that the Examiner's assertion, assuming *arguendo* it is true, that "[t]here is no mention of ...what the processor is doing with the data," is irrelevant. If the Examiner perceives a statutory deficiency with regard to his contention that there is no mention of "what the processor is doing with the data," he is requested to identify the deficiency in the next correspondence.

In view of the foregoing, Applicants request that the Examiner withdraw the rejection of claims 1-39 under 35 U.S.C. § 103(a).

Finally, on page 6 of the Office Action, the Examiner asserts that:

if the author was to provide a security password or security information than (sic) the audio data recorded into the microphone and the creation of the slide could be related to “security disclosure data.”

Applicants submit that the present application has nothing to do with a “security password.” As noted above, the term “security” in the present application generally concerns security disclosure data, as is noted, for example, in paragraph [0027] of the present application. Accordingly, Applicants submit that the Examiner’s remarks are inapposite with respect to the claimed invention.

As noted in Applicants’ amendment filed on October 13, 2006, the dependent claims are also patentable due to additional features recited in those dependent claims. For example, in contrast to the Examiner’s assertions, the Jensen patent does not disclose or suggest text that is a transcript of audio data, as recited in claim 2. The Examiner relies on Jensen, column 4, lines 40-67, as presumably disclosing an embodiment of Applicants invention as recited in claim 2. For the Examiner’s convenience, column 4, lines 40-56, of Jensen recites the following:

Then, at step 56, processor 24 copies the text from the selected screen slides as searchable text data into the text object. The text for each slide may be preceded by an appropriate header or the like so that a link is maintained between the text data and the particular screen slide from which that text data originated. At step 58, the individual audio files from each of the selected screen slides are extracted from the respective slide objects and are concatenated into a single audio file which is stored in the

media object. The single audio file is then compressed using the particular compression format previously selected by the author, at step 60. Thus, by allowing the author to select the compression format and then compressing the audio file after concatenating the individual audio clips together, the author may to some extent control the file size and sound quality.

Applicants do not find that this passage of Jensen teaches or suggests, let alone discloses, Applicants' claimed text being "a transcript of said audio security disclosure data." If the Examiner maintains that this or any other portion of Jensen discloses (or suggests) receiving audio security disclosure data and creating a transcript from the audio security disclosure data, he is respectfully requested to further explain his position in the next correspondence.

Omnibus Rejection of Claims 11-39

Applicants object to the Examiner's omnibus rejection of claims 11-39, which is contrary to M.P.E.P. Section 707.07(d).

First, Applicants note that on page 5 of the Office Action, the Examiner states that claims 11-39 are "dependent" claims. However, this is not correct. Claim 39 is an independent claim. The Examiner has not provided a basis for why independent claim 39 does not recite allowable subject matter. In the next correspondence, Applicants request that the Examiner either allow claim 39, or provide a proper indication of why claim 39 is not allowable.

Further, because dependent claims 11-38 recite various and distinct limitations, these claims should not be grouped together in a common rejection. For example, Applicants do not find that Jensen discloses or suggests "first marker audio data" that is delivered "as a selectable connection which when selected will enable [a] processor to deliver...second marker text and...third marker visual data," as recited in claim 12.

Applicants also do not find that Jensen discloses or suggests text that is a “summary” of audio data, or discloses or suggests inserting markers based on “phonemes,” as recited in claims 23, 36, and 40 (and 53, 61 and 63).

As another example, Applicants do not find that Jensen discloses or suggests inserting markers based on “patterns” as recited in claims 23, 24, 36, 37, 43, 45 (and 55).

In view of the foregoing, Applicants respectfully request that the Examiner either allow, object to or provide a proper basis for rejection of each of claims 11-39 in the next correspondence.

Newly Added Claims 60-67

Applicants submit that claims 60-67 also recite allowable subject matter. For example, claims 60 recites “a processor for receiving the audio security disclosure data at a first time and causing a display monitor to display for *simultaneous viewing* at a second time subsequent to the first time a first text generated from the audio security disclosure data and a second text generated from the audio security disclosure data.” Applicants find no teaching or suggestions of this feature in Jensen and, accordingly, request allowance of these claims in the next communication. Regarding claims 64-67, Applicants also find no teaching or suggestion in Jensen regarding “tradable” security disclosure data. Accordingly, Applicants respectfully request that claims 60-67 be passed to issue.

CONCLUSION

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, Applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, that is patentable. Applicants have emphasized certain features in the claims as clearly not present in the prior art, as discussed above. However, Applicants do not concede that other features in the claims are also not missing in the prior art. Rather, for the sake of simplicity, Applicants are providing examples of why each of the claims described above are distinguishable over the cited prior art.

For the reasons advanced above, issuance of a Notice of Allowance is respectfully requested.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 50-0740.

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Respectfully submitted,

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